

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

CHARLES TURNER,

Movant,

v.

CIVIL ACTION NO. 2:16-05812  
(Criminal No. 2:08-00142)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court are: movant's motion to correct his sentence under 28 U.S.C. § 2255 and motion to hold the Section 2255 motion in abeyance, both filed on June 27, 2016; and respondent's motion to stay the action and to withdraw referral to the magistrate judge, filed on July 18, 2016, and motion to dismiss, filed on August 24, 2016.

This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to the court of her Proposed Findings and Recommendations ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

On December 15, 2017, Magistrate Judge Eifert entered her PF&R recommending that the movant's motion to correct the sentence be denied as untimely under 28 U.S.C. § 2255(f), that the other pending motions be denied as moot, and that the matter be dismissed from the docket of the court.

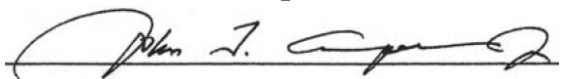
No objections having been filed, the movant has waived de novo review of the matter by this court.

It is, accordingly, ORDERED that:

1. Magistrate Judge Eifert's Proposed Findings and Recommendations be, and they hereby are, adopted and incorporated in full;
2. movant's motion under 28 U.S.C. § 2255 be, and it hereby is, denied;
3. movant's motion to hold his Section 2255 motion in abeyance and the United States' motion to withdraw referral to the magistrate judge and to stay the case and motion to dismiss be, and they hereby are, denied as moot; and
4. this action be dismissed with prejudice and removed from the docket of the court.

The Clerk is directed to forward copies of this memorandum opinion and order to the movant, all counsel of record, and United States Magistrate Judge Cheryl A. Eifert.

DATED: February 21, 2018

  
John T. Copenhaver, Jr.  
United States District Judge